

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Customer Number: 20277

Makoto TSUTSUE, et al.

Confirmation Number: 1409

Application No.: 10/674,068

Group Art Unit: 2814

Filed: September 30, 2003

Examiner: LONG PHAM

For: SEMICONDUCTOR DEVICE AND METHOD FOR FABRICATING THE SAME

Mail Stop FEE Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

- No additional fee is required.
 Applicant is entitled to small entity status under 37 CFR 1.27
 Also attached:

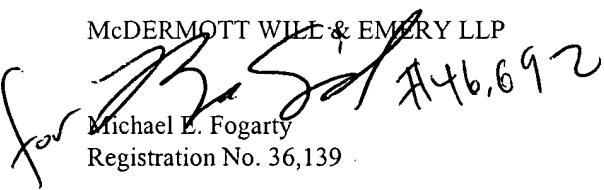
The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	22	20	2	\$50.00 =	\$100.00
Independent Claims	3	3	0	\$200.00 =	\$0.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$0.00
					\$0.00
Total of Above Calculations					\$100.00

- Please charge my Deposit Account No. 500417 in the amount of \$100.00. An additional copy of this transmittal sheet is submitted herewith.
- The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


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 Date: December 23, 2004

Please recognize our Customer No. 20277 as our correspondence address.



Attorney Docket No.: 60188-664

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer No.20277
Makoto TSUTSUE, et al. : Confirmation No.: 1409
Serial No.: 10/674,068 : Group Art Unit: 2814
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**ELECTION UNDER 35 U.S.C. § 121
AND PRELIMINARY AMENDMENT**

Mail Stop FEE Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed November 24, 2004, having a shortened statutory period for response set to expire December 24, 2004, wherein the Examiner required restriction between the following Groups:

Group I - Claims 6-10, drawn to a semiconductor process; and
Group II - Claims 1-5, drawn to a semiconductor device.

Applicants elect Group II, claims 1-5, for initial prosecution on the merits.

Applicants also reserve the right to file a Divisional Application for the non-elected claims 6-10, which the Examiner has indicated is patentably distinct.

PRELIMINARY AMENDMENT

Prior to the examination of the above-identified application, please amend the application as follows: